



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,888	03/06/2002	Dennis A. Borugian	16-121	9177

7590 02/18/2003

WATTS, HOFFMANN, FISHER & HEINKE CO., L.P.A.  
P.O. Box 99839  
Cleveland, OH 44199-0830

EXAMINER

BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 02/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/091,888	BORUGIAN, DENNIS A.	
	Examiner	Art Unit	
	Brian J. Broadhead	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 05 June 2002.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3-11,13,16 and 18-22 is/are rejected.

7) Claim(s) 2,12,14,15,17 and 23 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 28 May 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.	6) <input type="checkbox"/> Other: _____

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 19 recites the limitation "the picture" in line 1. There is insufficient antecedent basis for this limitation in the claim. It is believed that claim 19 is supposed to depend on claim 14, and this has been assumed throughout examination.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 9, 13, 20, 3, 7, 10, 18, 21, 5, 11, 16, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Maggiora et al., 5969433.
6. As per claims 1, 9, 13, and 20, Maggiora et al. discloses defining a planned trailer uncoupling area on line 63, on column 5; determining that the trailer has been uncoupled outside said planned uncoupling area on lines 60-56, on column 5; determining a location of the vehicle with GPS on lines 35-40, on column 2.

1. As per claims 3, 7, 10, 18, and 21, Maggiora et al. discloses periodically transmitting a location of at least one of a tractor and the trailer only when it is determined that one of said tractor and said trailer has moved on lines 35-41, on column 3; and automatically securing the trailer comprises applying the spring brakes on lines 47-50, on column 4.
2. As per claims 5, 11, 16, and 22, Maggiora et al. discloses automatically locking doors of said trailer on lines 44-45, on column 4.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maggiora et al., 5969433, in view of Keillor et al., 5917433.

5. Maggiora et al. discloses the limitations as set forth above. Maggiora et al. does not disclose activating a trailer battery backup. Keillor et al. teaches of activating a trailer battery backup on lines 10-25, on column 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the battery of Keillor et al. in the invention of Maggiora et al. because such modification would ensure continued operation after untethering of the trailer as stated on lines 15-20, on column 3, of Keillor et al.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maggiora et al., 5969433, in view of Kelly, 5625335.

7. Maggiora et al. discloses the limitations as set forth above. Maggiora et al. does not disclose automatically locking a fifth wheel of the vehicle. Kelly teaches of automatically locking the fifth wheel of the vehicle on lines 45-60, on column 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the lock of Kelly in the invention of Maggiora et al. because such modification would ensure the locking of the trailer to the towing vehicle.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maggiora et al., 5969433, in view of Boardman, 5263524.

9. Maggiora et al. discloses the limitations as set forth above. Maggiora et al. does not disclose automatically deflating a tire of the vehicle. Boardman teaches of automatically deflating a tire of the vehicle on lines 39-43, on column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the deflation system of Boardman in the invention of Maggiora et al. because such modification would provide better traction.

***Allowable Subject Matter***

10. Claims 2, 12, 14, 15, 17, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claim 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
12. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose taking a picture of the driver when it is determined that the trailer has been uncoupled outside the planned uncoupling area; the automatic securing comprises deflating a tire of the trailer; activating the battery backup or the lock on the fifth wheel when the trailer has been uncoupled outside the planned uncoupling area; and transmitting the picture to a central control.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
14. Klanke, 6313791, discloses automotive GPS control system.
15. Camhi, 5825283, discloses system for the security and auditing of persons and property.
16. Egeberg, 5640139, discloses wireless control of electronic door locking device for trailers.
17. Weller et al., 5686888, discloses use of mutter mode in asset tracking for gathering data from cargo sensors.
18. Janky et al., 5751245, discloses vehicle route and schedule exception reporting system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

BBB  
February 9, 2003

*Jacques H. Louis-Jacques*  
JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER